

**D. REMARKS**

In response to the non-final Office Action dated June 7, 2004, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Upon entry of the Amendment, claims 1-28 will be pending in this application with claims 1, 11, 20, and 26-28 being independent. Applicant respectfully submits that the claims as presented are in condition for allowance.

**Drawing Amendments**

Applicant is providing corrected FIGS. 6, 7B, and 8, attached hereto.

**Amendments to the Specification**

Applicant is amending the specification in order to correct the informalities noted by the Examiner.

**35 U.S.C. §112 Rejections**

Claims 10 and 19 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicant is amending claims 10 to depend from claim 9 and is amending claim 19 to recite a "system" and depend from claim 18.

Accordingly, withdrawal of the rejection of claims 10 and 19 is requested.

**35 U.S.C. §102(e) Chen Rejection**

Claims 1, 2, 4, 8, 9, 11, 12, 17, 18, 20, and 25-28 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,574, 464 to Chen ("Chen"). Applicant traverses this rejection.

Applicant has amended the claims in order to expedite prosecution. In particular, Applicant has amended independent claims 1, 11, 20, and 26-28 to recite that "the information associated with the telecommunications network comprises real-time variable information specific to a particular cell site within the telecommunications network."

In contrast, Chen teaches a network system capable of changing the billing rate for a telecommunications service. According to the teaching of Chen:

When the CCF detects that one or both of the call parties has moved outside the predefined area (12-7), the CCF notifies the SSF of that detection point (12-8). The SSF then determines that an activated trigger has been set for that detection point (12-11), and that the trigger criteria for the activated trigger (12-12), that is, both call parties are no longer within the predefined area. The SSF subsequently activates the SCP whose address the activated trigger gives (12-13). The SCP, in turn, activates the appropriate SLP to switch the billing rate for the remainder of the call to the new billing rate (12-14), and provides the new billing rate to the CCF (12-15), which continues processing the call according to the new billing rate. The CCF stores this billing information in the call's detailed record. Should both call parties later become located within the predefined area, the billing rate will change accordingly. See col. 11, lines 23-38.

As described above, Chen relates to network system in which the rate applied to a calling party changes depending on whether the called party is inside or outside of a predefined area. With respect to each of the calling party, the called party, and the network, the variable rate taught in Chen is in no way specific to particular cell site.

Applicant submits, therefore, that Chen does not teach or suggest all the elements of amended independent claims 1, 11, 20 and 26-28, and that such claims are allowable for at least this reason.

Accordingly, withdrawal of the rejection of claims 1, 2, 4, 8, 9, 11, 12, 17, 18, 20, and 25-28 is respectfully requested.<sup>1</sup>

**35 U.S.C. §103(a) Chen/Novak Rejection**

Claims 3, 13, and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of U.S. Patent No. 6,393,419 to Novak et al. ("Novak"). Applicant traverses this rejection.

Applicant submits that Novak is devoid of any teaching or suggestion related to "real-time variable information specific to a particular cell site within the telecommunications network." Consequently, the teachings of Novak cannot

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<sup>1</sup> See MPEP 2131 *citing* *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.") and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)("The identical invention must be shown in as complete detail as is contained in the ... claim.").

remedy the deficiencies of Chen discussed above with respect to amended independent claims 1, 11, and 20.

Applicant submits that even if Chen could be combined with Novak, which Applicant does not admit, such combination fails to disclose all the elements of amended independent claims 1, 11, and 20. In addition, the prior art of record fails to provide any suggestion or motivation to modify or combine reference teachings or of a reasonable expectation of success.

Applicant submits, therefore, that claims 3, 13, and 21 are allowable for at least the reasons set forth by virtue of their dependency, as well as on their own merits.

Accordingly, withdrawal of the rejection of claims 3, 13, and 21 is respectfully requested.

**35 U.S.C. §103(a) Chen/Synthesize Rejection**

Claims 5, 6, 14, 15, 22, and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Synthesize Derwent-acc-no-199-434487 ("Synthesize"). Applicant traverses this rejection.

Applicant submits that Synthesize is devoid of any teaching or suggestion related to "real-time variable information specific to a particular cell site within the telecommunications network." Consequently, the teachings of Synthesize cannot remedy the deficiencies of Chen discussed above with respect to amended independent claims 1, 11, and 20.

Applicant submits that even if Chen could be combined with Synthesize, which Applicant does not admit, such combination fails to disclose all the elements of amended independent claims 1, 11, and 20. In addition, the prior art of record fails to provide any suggestion or motivation to modify or combine reference teachings or of a reasonable expectation of success.

Applicant submits, therefore, that claims 5, 6, 14, 15, 22, and 23 are allowable for at least the reasons set forth by virtue of their dependency, as well as on their own merits.

Accordingly, withdrawal of the rejection of claims 5, 6, 14, 15, 22, and 23 is respectfully requested.

**35 U.S.C. §103(a) Chen/Synthesize/Tam Rejection**

Claims 7, 16, and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Synthesize and further in view of U.S. Patent No. 6,411,969 to Tam ("Tam"). Applicant traverses this rejection.

Applicant submits that Synthesize and Tam are devoid of any teaching or suggestion related to "real-time variable information specific to a particular cell site within the telecommunications network." Consequently, the teachings of Synthesize and Tam, alone or in combination, cannot remedy the deficiencies of Chen discussed above with respect to amended independent claims 1, 11, and 20.

Applicant submits that even if Chen could be combined with Synthesize and Tam, which Applicant does not admit, such combination fails to disclose all the elements of amended independent claims 1, 11, and 20. In addition, the prior art of record fails to provide any suggestion or motivation to modify or combine reference teachings or of a reasonable expectation of success.

Applicant submits, therefore, that claims 7, 16, and 24 are allowable for at least the reasons set forth by virtue of their dependency, as well as on their own merits.

Accordingly, withdrawal of the rejection of claims 7, 16, and 24 is respectfully requested.

**35 U.S.C. §103(a) Chen/Gopal Rejection**

Claims 10 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view U.S. Pub. No. 2001/0032263 to Gopal et al. ("Gopal"). Applicant traverses this rejection.

Applicant submits that Gopal is devoid of any teaching or suggestion related to "real-time variable information specific to a particular cell site within the telecommunications network." Consequently, the teachings of Gopal cannot remedy the deficiencies of Chen discussed above with respect to amended independent claims 1 and 11.

Applicant submits that even if Chen could be combined with Synthesize and Tam, which Applicant does not admit, such combination fails to disclose all

the elements of amended independent claims 1 and 11. In addition, the prior art of record fails to provide any suggestion or motivation to modify or combine reference teachings or of a reasonable expectation of success.

Applicant submits, therefore, that claims 10 and 19 are allowable for at least the reasons set forth by virtue of their dependency, as well as on their own merits.


Accordingly, withdrawal of the rejection of claims 10 and 19 is respectfully requested.

**E. CONCLUSION**

Applicant submits this application is in condition for allowance and request favorable action in the form of a Notice of Allowance.

Respectfully submitted,

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